IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Bail Appl..No. 6944 of 2007()

CC.880/2007 of J.M.F.C., SASTHAMCOTTA
[CRIME NO.352/2006 OF SOORNADU POLICE STATION]

.....

: PETITIONER/IST ACCUSED

PREMCHAND, S/O.PODIYAN, CHANDRIKA
BHAVANAM, PADINJATTAM KIZHAKKU MURI,
SOORANADU NORTH VILLAGE,
(KENT INDUSTRIES, 52/2 SHAM SIGH STREET,
SHASTRI BAZAR, DELHI - CANT - 10, NEW DELHI).

BY ADV. SRI. K.SIJU

RESPONDENTS:

STATE OF KERALA REPRESENTED BY
S.I OF POLICE, SOORANADU POLICE STATION
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6944 of 2007

Dated this the 14th day of November, 2007

ORDER

Application for anticipatory bail. Petitioner is the husband of the defacto complainant and he faces allegations along with the co-accused for the offence punishable under Section 498 A I.P.C. Investigation is complete. Final report has already been filed. Cognizance has been taken by the learned Magistrate. Consequent to non appearance of the petitioner, coercive processes have been issued against the petitioner by the learned Magistrate. The petitioner apprehends imminent arrest.

2. According to the learned counsel for the petitioner, the petitioner is absolutely innocent. His absence was not willful or deliberate. He is employed at New Delhi. He is willing to surrender before the learned Magistrate. But he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 438 and/or 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances

under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This application for bail is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-